

Regular Session, 2010

HOUSE BILL NO. 555

BY REPRESENTATIVE ROSALIND JONES

CRIME/THEFT: Creates a uniform system of gradations for types of theft and certain other crimes providing for misappropriation without violence

1 AN ACT

2 To amend and reenact R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and
3 (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C),
4 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3),
5 and 71(C), (D), and (E), relative to offenses involving misappropriation without
6 violence; to provide for a uniform system of gradations based upon the value of the
7 goods taken for certain offenses involving theft or misappropriation without
8 violence; to provide with respect to criminal penalties for certain offenses; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3),
12 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1),
13 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and
14 (E) are hereby amended and reenacted to read as follows:

15 §67. Theft

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17 B.(1) Whoever commits the crime of theft when the misappropriation or
18 taking amounts to a value of one thousand five hundred dollars or more shall be
19 imprisoned, with or without hard labor, for not more than ten years, or may be fined
20 not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months, or may be fined not more than one thousand dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

11 * * *

12 §67.2. Theft of animals

13 * * *

14 B.(1) Whoever commits the crime of theft of animals, when the
15 misappropriation or taking amounts to a value of one thousand five hundred dollars
16 or more, shall be imprisoned, with or without hard labor, for not more than ten years,
17 or may be fined not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of ~~three five~~
hundred dollars or more, but less than a value of one thousand five hundred dollars,
the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
five years or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such a case has been convicted of misdemeanor theft of an animal two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

29 * * *

1 §67.5. Theft of crawfish; penalty

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3 B.(1) Whoever commits the crime of theft of crawfish when the
4 misappropriation or taking amounts to a value of one thousand five hundred dollars
5 or more shall be imprisoned, with or without hard labor, for not more than ten years
6 or may be fined not more than three thousand dollars, or both.

7 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
8 hundred dollars or more, but less than a value of one thousand five hundred dollars,
9 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
10 five years or may be fined not more than two thousand dollars, or both.

11 (3) When the misappropriation or taking amounts to less than a value of
12 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
13 months or may be fined not more than five hundred dollars, or both. If the offender
14 in such cases has been convicted of theft of crawfish one or more times previously,
15 upon any subsequent conviction he shall be imprisoned, with or without hard labor,
16 for not more than ten years or may be fined not more than three thousand dollars, or
17 both.

18 * * *

19 §67.10. Theft of goods

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21 B.(1) Whoever commits the crime of theft of goods when the
22 misappropriation or taking amounts to a value of one thousand five hundred dollars
23 or more shall be imprisoned, with or without hard labor, for not more than ten years
24 or may be fined not more than three thousand dollars, or both.

25 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
26 hundred dollars or more, but less than a value of one thousand five hundred dollars,
27 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
28 five years or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of theft or theft of goods two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

8 * * *

9 §67.13. Theft of an alligator

10 * * *

B.(1) Whoever commits the crime of theft of an alligator when the ~~misappropriation~~ misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(3) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of theft of an alligator two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

26 * * *

1 §67.18. Cheating and swindling

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3 B.(1) Whoever violates the provisions of this Section when the value of such
4 money or property or combination thereof or reduced or increased wager amounts
5 to a value of one thousand five hundred dollars or more shall be imprisoned, with or
6 without hard labor, for not more than ten years, or may be fined not more than three
7 thousand dollars, or both.

8 (2) When the value of such money or property or combination thereof or
9 reduced or increased wager amounts to a value of ~~three~~ five hundred dollars or more,
10 but less than a value of one thousand five hundred dollars, the offender shall be
11 imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be
12 fined not more than two thousand dollars, or both.

13 (3) When the value of such money or property or combination thereof or
14 reduced or increased wager amounts to less than a value of ~~three~~ five hundred
15 dollars, the offender shall be imprisoned for not more than six months, or may be
16 fined not more than five hundred dollars, or both. If the offender in such cases has
17 been convicted of cheating and swindling two or more times previously, upon any
18 subsequent conviction he shall be imprisoned, with or without hard labor, for not
19 more than two years, or may be fined not more than two thousand dollars, or both.

20 * * *

21 §67.21. Theft of the assets of an aged person or disabled person

22 * * *

23 C.(1) Whoever commits the crime of theft of the assets of an aged person or
24 disabled person when the value of the theft equals one thousand five hundred dollars
25 or more may be imprisoned, with or without hard labor, for not more than ten years
26 and shall be fined not more than three thousand dollars, or both.

27 (2) Whoever commits the crime of theft of the assets of an aged person or
28 disabled person when the value of the theft equals ~~three~~ five hundred dollars or more,
29 but less than one thousand five hundred dollars may be imprisoned, with or without

1 hard labor, for not more than ~~two~~ five years and shall be fined not more than two
2 thousand dollars, or both.

3 (3) Whoever commits the crime of theft of the assets of an aged person or
4 disabled person when the value of the theft equals ~~three~~ five hundred dollars or less
5 may be imprisoned for not more than six months and shall be fined not more than
6 five hundred dollars, or both.

7 * * *

8 §67.23. Theft of a used building component; penalties

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10 C.(1) Whoever commits the crime of theft of a used building component,
11 when the theft or taking amounts to a value or replacement value, whichever is
12 greater, of one thousand five hundred dollars or more shall be fined not more than
13 three thousand dollars, imprisoned with or without hard labor for not more than ten
14 years, or both.

15 (2) When the theft or taking amounts to a value or replacement value,
16 whichever is greater, of ~~three~~ five hundred dollars or more, but less than a value of
17 one thousand five hundred dollars, the offender shall be imprisoned, with or without
18 hard labor, for not more than ~~two~~ five years, or may be fined not more than two
19 thousand dollars, or both.

20 (3)(a) When the theft or taking amounts to a value or replacement value,
21 whichever is greater, of less than ~~three~~ five hundred dollars, the offender shall be
22 imprisoned, for not more than six months, or may be fined not more than five
23 hundred dollars, or both.

24 (b) In a case provided for in Subparagraph (a) of this Paragraph, if the
25 offender has been convicted two or more times previously of a theft or taking which,
26 on each previous occasion, amounted to a value or replacement value, whichever is
27 greater, of less than ~~three~~ five hundred dollars, he shall be imprisoned, with or

without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

* * *

§67.26. Theft of a motor vehicle

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C.(1) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of ~~three~~ five hundred dollars or more but less than one thousand five hundred dollars shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of less than ~~three~~ five hundred dollars shall be imprisoned for not more than six months, or may be fined not more than one thousand dollars, or both.

* * *

§68.2. Unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices

* * *

C.(1) Whoever commits the crime of unauthorized use of food stamp coupons, food stamp authorization cards, or food stamp access devices when the coupons, authorization cards, or access devices amount to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the coupons, authorization cards, or access devices amount to a value of ~~three~~ five hundred dollars or more, but less than one thousand five hundred

dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(3) When the coupons, authorization cards, or access devices amount to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both.

* * *

§68.7. Receipts and universal product code labels; unlawful acts

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B.(1) Except as provided in Paragraphs (3) and (4) of this Subsection, whoever violates the provisions of this Section shall be subject to the following penalties:

(a) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more, imprisonment, with or without hard labor, for not more than ten years, or a fine not to exceed three thousand dollars, or both.

(b) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals ~~three~~ five hundred dollars or more but less than one thousand five hundred dollars, imprisonment, with or without hard labor, for not more than ~~two~~ five years or a fine of not more than two thousand dollars, or both.

(c) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, is less than ~~three~~ five hundred dollars, imprisonment for not more than six months, or a fine not to exceed five hundred dollars, or both.

If a person is convicted of violating the provisions of this Section in a manner consistent with this Subparagraph two or more times previously, upon any

subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

* * *

§69. Illegal possession of stolen things

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B.(1) Whoever commits the crime of illegal possession of stolen things, when the value of the things is one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the value of the stolen things is ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be fined not more than two thousand dollars, or both.

(3) When the value of the stolen things is less than ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than one thousand dollars, or both. If the offender in such cases has been convicted of receiving stolen things or illegal possession of stolen things two or more times previously, upon any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than two thousand dollars, or both.

* * *

§70.2. Refund or access device application fraud

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C.

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(2) Whoever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of ~~three~~ five hundred dollars or more, but less than a value of one thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

(4) When the misappropriation or taking amounts to less than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than one thousand dollars, or both.

11 * * *

12 §70.4. Access device fraud

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14 E.(1) A person who commits the crime of access device fraud when the
15 misappropriation or taking amounts to a value of one thousand five hundred dollars
16 or more shall be imprisoned, with or without hard labor, for not more than ten years,
17 or fined not more than five thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of at least ~~three~~
five hundred dollars, but less than a value of one thousand five hundred dollars, the
offender shall be imprisoned, with or without hard labor, for not more than ~~three~~ five
years or fined not more than three thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of less than ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six months or fined not more than five hundred dollars, or both.

25 * * *

26 §71. Issuing worthless checks

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28 C. Whoever commits the crime of issuing worthless checks, when the
29 amount of the check or checks is one thousand five hundred dollars or more, shall

1 be imprisoned, with or without hard labor, for not more than ten years, or may be
2 fined not more than three thousand dollars, or both.

3 D. When the amount of the check or checks is ~~three~~ five hundred dollars or
4 more, but less than one thousand five hundred dollars, the offender shall be
5 imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be
6 fined not more than two thousand dollars, or both.

7 E. When the amount of the check or checks is less than ~~three~~ five hundred
8 dollars, the offender shall be imprisoned for not more than six months or may be
9 fined not more than five hundred dollars, or both. If the offender in such cases has
10 been convicted of issuing worthless checks two or more times previously, upon any
11 subsequent conviction he shall be imprisoned, with or without hard labor, for not
12 more than two years or be fined not more than one thousand dollars, or both.

13 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Rosalind Jones

HB No. 555

Abstract: Creates a uniform system of gradations for types of theft and certain other crimes providing for misappropriation without violence and provides for penalties based on those gradations.

Present law defines theft as the misappropriation or taking of any thing of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

Present law provides for penalties for theft based upon the value of the goods taken and uses the following scale for those penalties:

- (1) The misappropriation or taking amounts to a value of \$500 or more.
- (2) The misappropriation or taking amounts to a value of \$300 or more, but less than a value of \$500.
- (3) The misappropriation or taking amounts to less than a value of \$300.

Present law provides for the crimes of theft of animals, crawfish, goods, an alligator, used building components, assets of an aged or disabled person, a motor vehicle, cheating and swindling, unauthorized use of food stamps, illegal possession of stolen things, unlawful acts

regarding receipts and universal product code labels, refund or access device application fraud, access device fraud, and issuing worthless checks.

Present law provides penalties for each of these offenses and uses a gradation of penalties based upon the value of the goods taken or misappropriated.

Proposed law retains the provisions of present law but adopts the following gradation scale for each of those crimes:

- (1) The misappropriation or taking amounts to a value of \$1,500 or more.
- (2) The misappropriation or taking amounts to a value of \$500 or more, but less than a value of \$1,500.
- (3) The misappropriation or taking amounts to less than a value of \$500.

(Amends R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and (E))